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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/710,960

08/14/2004

George Joseph Nassef JR.

4959

43836 7590 11/26/2007  
VALETNOIR INC - A NEW YORK CORPORATION  
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EXAMINER
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VETTER, DANIEL

ART UNIT	PAPER NUMBER
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3628

MAIL DATE	DELIVERY MODE
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11/26/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/710,960	Applicant(s) NASSEF ET AL.	
	Examiner Daniel P. Vetter	Art Unit 3628	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 September 2007.  
 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-38 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 19-38 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### *Status of the Claims*

1. Claims 1-18 were previously pending in this application. Claims 1-18 were canceled, and new claims 19-38 were added in the reply filed September 20, 2007. Claims 19-38 are currently pending in this application.

### *Response to Arguments*

2. Applicant's arguments filed September 20, 2007 have been fully considered but they are not persuasive. The newly added claims are unpatentable under § 103(a) as described in the rejections below, and applicant has not clearly and distinctly pointed out how the language of the claims patentably distinguishes them from the references.

### *Claim Objections*

3. Claims 19, 31, and 35 are objected to because of the following informalities: the lack of punctuation in lines 3-6 makes it difficult to distinguish the limitations from one another. Appropriate correction is required.
4. Claim 28 is objected to because of the following informalities: "bases" appears to be a typographical error. Appropriate correction is required.
5. Claims 35-38 are objected to because of the following informalities: these claims are identical copies of claims 31-34. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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7. Claims 19-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claims 19, 31, and 35 recite the limitation "said other database systems" in line 3. There is insufficient antecedent basis for this limitation in the claims.

9. Independent claims 19, 31, and 35 are purported to be directed to a "method" and therefore are considered a process for the purposes of § 101 and statutory classification. However these claims also define structural features of an apparatus (e.g., "said system has a communication means" in line 6). The scopes of claims 19-38 accordingly are vague and indefinite because it is unclear how these claimed structural limitations further limit how the process steps of claims 19, 31, and 35 are performed; and therefore the claims do not reasonably apprise the public as to what would constitute infringement.

10. Claims 20-30, 32-34, and 36-38 inherit the deficiencies as claims 19, 31, and 35 through dependency and, as such, are rejected for the same reasons.

11. Claims 19, 20, 23, 27, 31, 34, 35, and 38 recite the limitations "said system" and "the system"; however, a plurality of systems are recited in the base claims and it is unclear which system is being referred to.

12. Claims 23, 34, and 38 recite the limitation "said gaming player". There is insufficient antecedent basis for this limitation in the claims.

13. Claims 24-26 recite the limitation "said notification". There is insufficient antecedent basis for this limitation in the claims.

*Claim Rejections - 35 USC § 103*

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 19-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freisen, et al., U.S. Pat. Pub. No. 2003/0050806 (Reference A of the PTO-892 part of paper no. 20070412) in view of Watanabe, et al., U.S. Pat. Pub. No. 2003/0074236 (Reference B of the PTO-892 part of paper no. 20070412) and Fitzgerald, et al., U.S. Pat. Pub. No. 2004/0039612 (Reference C of the PTO-892 part of paper no. 20070412).

16. As per claim 19, Freisen teaches a method for air and bus charter management comprising: having a database (§ 0093); having said database contain data about a traveler to and from a casino (§ 0094); and allowing said data to be accessed by users of the system (§ 0097) comprising where said system compares said data against a rule set (§ 0104) where said traveler is contacted based on a selection criteria (§ 0104) where said selection criteria is based on the information contained in said database (§ 0104) and where said system has a communication means (§ 0081). The limitation "for players and users to contact each other" is merely a statement of intended use and is only afforded patentable weight to the extent that it imparts structural limitations on the invention, which are met by the cited prior art (§ 0081). Freisen does not explicitly teach having said other database systems being used to form a charter; which is taught by Watanabe (Abstract). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate having the above teachings of Watanabe into the system taught by Freisen in order to easily conclude a charter without the intervention of a broker (as taught by Watanabe, § 0013). Freisen does not explicitly teach said system will notify if a rule set is broken; which is taught by

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Fitzgerald (Abstract). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Fitzgerald into the system taught by Freisen in view of Watanabe in order to avoid the customer dissatisfaction that may arise from the customer losing out on a desired advantage because of an unintentional violation of a promotion condition (as taught by Fitzgerald, ¶ 0019).

17. As per claim 20, Freisen in view of Watanabe and Fitzgerald teaches the method of claim 19 as described above. Freisen further teaches having said system being accessible by a user through the Internet (¶ 0048).

18. As per claim 21, Freisen in view of Watanabe and Fitzgerald teaches the method of claim 19 as described above. Freisen further teaches having said data being historic data of said traveler (¶ 0096).

19. As per claim 22, Freisen in view of Watanabe and Fitzgerald teaches the method of claim 21 as described above. Freisen further teaches having said historic data being the travel history, companions of said traveler. Freisen does not teach data in the form of seat assignments, however this difference is solely found in the non-functional descriptive material recited in the claim. Non-functional descriptive material cannot lend patentability to an invention that would have otherwise been anticipated by the prior art. *In re Ngai*, 367 F.3d 1336, 1339; 70 USPQ2d 1862, 1864 (Fed. Cir. 2004); *cf. In re Gulack*, 703 F.2d 1381, 1385; 217 USPQ 401, 404 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability).

20. As per claim 23, Freisen in view of Watanabe and Fitzgerald teaches the method of claim 19 as described above. Freisen further teaches having said system contacting said gaming player (¶ 0104).

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21. As per claim 24, Freisen in view of Watanabe and Fitzgerald teaches the method of claim 19 as described above. Freisen further teaches said notification is an E-mail (§ 0137).

22. As per claim 25, Freisen in view of Watanabe and Fitzgerald teaches the method of claim 19 as described above. Freisen further teaches said notification mailing (§ 0056).

23. As per claim 26, Freisen in view of Watanabe and Fitzgerald teaches the method of claim 19 as described above. Freisen further teaches said notification is telephonic (§ 0041).

24. As per claim 27, Freisen in view of Watanabe and Fitzgerald teaches the method of claim 19 as described above. Freisen further teaches having the system contact other databases (§ 0097) where said other databases are reservations systems databases (§ 0100).

25. As per claim 28, Freisen in view of Watanabe and Fitzgerald teaches the method of claim 19 as described above. Freisen further teaches having said users searching bases on qualifying criteria (§ 0142).

26. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freisen, et al. in view of Watanabe, et al. and Fitzgerald, et al. as applied to claim 19 above, in further view of Altman, et al., U.S. Pat. Pub. No. 2003/0120526 (Reference D of the PTO-892 part of paper no. 20070412).

27. As per claim 29, Freisen in view of Watanabe and Fitzgerald teaches the method of claim 19 as described above. Freisen in view of Watanabe and Fitzgerald does not explicitly teach having said users searching for a plurality of travelers based on their travel information; which is taught by Altman (§ 0034). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Altman into the system taught by Freisen in view of Watanabe and

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Fitzgerald in order to take advantage of a unified trip record (as taught by Altman, ¶ 0034).

28. As per claim 30, Freisen in view of Watanabe and Fitzgerald teaches the method of claim 19 as described above. Freisen in view of Watanabe and Fitzgerald does not explicitly teach having said users searching for a plurality of travelers based on their travel history; which is taught by Altman (¶ 0034). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Altman into the system taught by Freisen in view of Watanabe and Fitzgerald in order to take advantage of a unified trip record (as taught by Altman, ¶ 0034).

29. Claims 31-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freisen, et al. in view of Watanabe, et al., Fitzgerald, et al., and Altman, et al.

30. As per claims 31 and 35, Freisen teaches a method for air and bus charter management comprising: having a database (¶ 0093); having said database contain data about a traveler to and from a casino (¶ 0094); and allowing said data to be accessed by users of the system (¶ 0097) where said system compares said data against a rule set (¶ 0104) where said traveler is contacted based on a selection criteria (¶ 0104) where said selection criteria is based on the information contained in said database (¶ 0104) and where said system has a communication means (¶ 0081). The limitation "for players and users to contact each other" is merely a statement of intended use and is only afforded patentable weight to the extent that it imparts structural limitations on the invention, which are met by the cited prior art (¶ 0081). Freisen does not explicitly teach having said other database systems being used to form a charter; which is taught by Watanabe (Abstract). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate having the above teachings of Watanabe into the system taught by Freisen in order to easily conclude a



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charter without the intervention of a broker (as taught by Watanabe, ¶ 0013). Freisen does not explicitly teach said system will notify if a rule set is broken; which is taught by Fitzgerald (Abstract). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Fitzgerald into the system taught by Freisen in view of Watanabe in order to avoid the customer dissatisfaction that may arise from the customer losing out on a desired advantage because of an unintentional violation of a promotion condition (as taught by Fitzgerald, ¶ 0019). Freisen does not explicitly teach having said users searching for a plurality of travelers based on their travel information; which is taught by Altman (¶ 0034). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Altman into the system taught by Freisen in view of Watanabe and Fitzgerald in order to take advantage of a unified trip record (as taught by Altman, ¶ 0034).

31. As per claims 32 and 36, Freisen in view of Watanabe, Fitzgerald, and Altman teaches the methods of claims 31 and 35 as described above. Freisen further teaches having said data being historic data of said traveler (¶ 0094).

32. As per claims 33 and 37 Freisen in view of Watanabe, Fitzgerald, and Altman teaches the methods of claims 32 and 36 as described above. Freisen further teaches having said historic data being the travel history, companions of said traveler. Freisen does not teach data in the form of seat assignments, however this difference is solely found in the non-functional descriptive material recited in the claim. Non-functional descriptive material cannot lend patentability to an invention that would have otherwise been anticipated by the prior art. *Ngai*, 367 F.3d 1336 at 1339.

33. As per claims 34 and 38 Freisen in view of Watanabe, Fitzgerald, and Altman teaches the methods of claims 31 and 35 as described above. Freisen further teaches having said system contacting said gaming player (¶ 0104).

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*Conclusion*

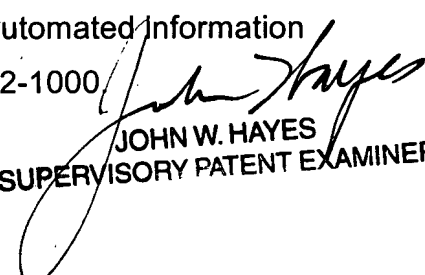
34. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel P. Vetter whose telephone number is (571) 270-1366. The examiner can normally be reached on Monday through Thursday from 8am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
JOHN W. HAYES  
SUPERVISORY PATENT EXAMINER